Los Angeles County Sheriff's Department

Officer Involved Shooting

Report Date:	Bureau/Station/Facility:	Admin. Invest.?	Hit?
04/23/2019	South Los Angeles Station / Central Patrol Division	☐	☑

Incident Information

URN: 016-01989-0378-055	Date: 03/05/2016	Time: 2309 Hours

City or Station: South Los Angeles Station

Location: [redacted] West 120th Street, Los Angeles, Ca 90002

Nature of Incident: The suspect assaulted Deputy Witkosky with a vehicle. Deputy Witkosky fired four rounds from his weapon at the suspect.

Location Type (*check one or more*):
- ☐ Backyard
- ☐ Beach
- ☐ Business
- ☐ Freeway
- ☐ Industrial
- ☐ Park
- ☐ Parking Lot
- ☐ Residence
- ☐ Rural
- ☐ School
- ☑ Street
- Other:

Lighting (*check only one*):
- ☑ Darkness
- ☐ Daylight
- ☐ Other
- ☐ Street Lights

Weather (*circle only one*):
- ☑ Clear
- ☐ Cloudy
- ☐ Fog
- ☐ Rain

Distance: 5 - 8 feet

Incident Type (*check one or more*):
- ☐ Accidental
- ☐ Armed Person
- ☑ Fleeing Suspect
- ☐ Foot Pursuit
- ☐ Gun Take Away
- ☑ Moving Vehicle
- ☐ Sniper/Ambush
- ☐ Startle
- ☐ Struggle Involved
- ☑ Traffic Stop
- ☐ Unarmed Person
- ☐ Unintentional
- ☐ Vehicle Pursuit
- ☐ Warrant Service
- ☐ Warning Shot
- Other:

Initiated by (*check only one*):
- ☐ Arrest Warrant
- ☐ Call
- ☑ Observation
- ☐ One Person Unit
- ☐ Other
- ☐ Search Warrant
- ☐ Two Person Unit

Prior Activity (*check only one*):
- ☐ Detective
- ☐ Inmate Transport
- ☐ Other
- ☑ Routine Patrol

Total # of Shots Fired by Deputy: 4

Total # of Shots Fired by Suspect: 0

Aero Unit? ☐ Canine Unit? ☐

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*check only one*)	ShiftType (*check only one*)
470460	Sanchez	Arnulfo		☑ EM ☐ PM ☐ Day	☑ Regular ☐ Overtime ☐ Off Duty
454432	Sheffield	Bradley	W.	☑ EM ☐ PM ☐ Day	☑ Regular ☐ Overtime ☐ Off Duty
[redacted]	[redacted]	[redacted]	[redacted]	[redacted] EM [redacted] PM [redacted] Day	[redacted] Regular [redacted] Overtime [redacted] Off Duty

Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	City	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

Supervisors

Employee #	Last Name	First Name	M.I.	(*check one or more*)
[redacted]	[redacted]	[redacted]	[redacted]	☑ On Duty ☐ Present during shooting ☐ Witness to shooting ☐ Involved in shooting
[redacted]	Sheffield	Bradley	W.	☑ On Duty ☐ Present during shooting ☐ Witness to shooting ☐ Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Sumi	Mark	K.

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Hoglund	Scott	

PSTD Use Only

SH # 2397223

Officer Involved Shooting

RN: 016-01989-0378-055

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
03/06/2016	0130 Hours	04/23/2019	

Employee #	Last Name	First Name	M.I.
[redacted]	Marchena	Jorge	A.
[redacted]	Gibson	Brenda	L.
[redacted]	Granek	Roberta	C.

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(SS) SIG Sauer
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S#1	E#1	OV					NN	
E#1	S#1	FH	SW	9	Y	Y	GS	LE
E#1	S#1	FH	SW	9	Y	Y	GS	AD
E#1	S#1	FH	SW	9	Y	Y	GS	AR

See Front Side

Officer Involved Shooting
Involved Employee Information

URN: 016-01989-0378-055

Involved Employee

E 1

Employee # [redacted]	Last Name: Witkosky	First Name: Brad	M.I. D.
Sex: M Race: W	Rank: Deputy Sheriff	Unit Assignment: SLA Station	Work Assignment (Unit #, Module, etc.): 31
ShiftTime (*circle only one*): ☑ EM ☐ PM ☐ Day	ShiftType (*circle only one*): ☑ Regular ☐ Overtime ☐ Off Duty	Intoxication/Drug Usage? ☐	Substance Used: N/A
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # — Interviewed? ☑
Hrs of sleep prior to shooting: 7	Duty Time (hrs): [redacted]	Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Raid Jacket w/ Vest ☐ Plain Clothes w/ Vest ☐ Uniform no Vest ☐ Raid Jacket no Vest ☑ Uniform w/ Vest	Other Factors:
Age: [redacted] Height: 5'11"	Weight: 205		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted] Directed Force: [redacted]
Weapons Fired Brand: Smith & Wesson Caliber 9 # Shots 4		Weapons Fired Brand: Caliber # Shots	
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]

E __

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank:	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): ☐ EM ☐ PM ☐ Day	ShiftType (*circle only one*): ☐ Regular ☐ Overtime ☐ Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # — Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Raid Jacket w/ Vest ☐ Plain Clothes w/ Vest ☐ Uniform no Vest ☐ Raid Jacket no Vest ☐ Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings: Directed Force: ☐
Weapons Fired Brand: Caliber # Shots		Weapons Fired Brand: Caliber # Shots	
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E __

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank:	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): ☐ EM ☐ PM ☐ Day	ShiftType (*circle only one*): ☐ Regular ☐ Overtime ☐ Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # — Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Raid Jacket w/ Vest ☐ Plain Clothes w/ Vest ☐ Uniform no Vest ☐ Raid Jacket no Vest ☐ Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings: Directed Force: ☐
Weapons Fired Brand: Caliber # Shots		Weapons Fired Brand: Caliber # Shots	
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

See Other Side

Officer Involved Shooting Suspect Information

URN: 016-01989-0378-055

Suspect Information

S 1

Last Name: Fobi		First Name: Norvell	M.I.: M.
AKA Last Name: Cooper		First Name: Norvell	M.I.: M.
Sex: M Race: Black	S[redacted]	City [redacted]	[redacted] Zip [redacted]
Work Phone: N/A	Hor[redacted]	Social Secu[redacted]	Driver's Licen[redacted]
Age: 29 D.O.B. 06/30/1989	Height: 5'11 Weight: 190	FBI # [redacted]	CII # [redacted]
Booking # 4611408	Primary Charge: 29800(a)(1) PC	Secondary Charge: 148(a)(1) PC	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☑	Substance Used: Ecstasy
Armed? ☑	Apprehended? ☑	Mental Illness? ☐	Criminal History?[redacted]
Vehicle Make: Hyundai Model: ELN Year: 2004	Parole: [redacted]	Probation: [redacted]	Prior Felony Conviction: [redacted]

S

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make Model: Year:	Parole:	Probation:	Prior Felony Conviction:

S

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make Model: Year:	Parole:	Probation:	Prior Felony Conviction:

S

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make Model: Year:	Parole:	Probation:	Prior Felony Conviction:

See Other Side

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

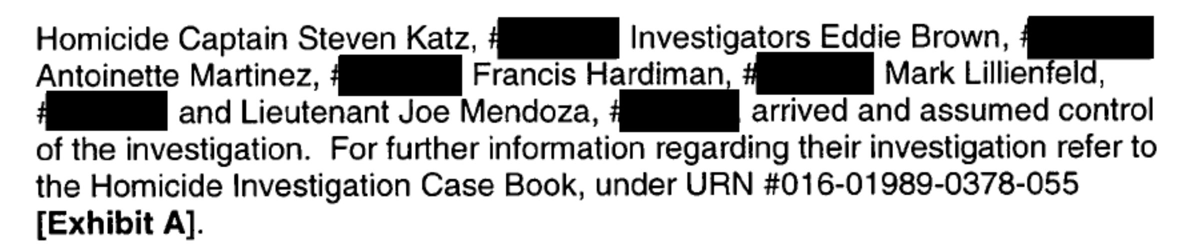
INVESTIGATIVE SUMMARY

INCIDENT:	**On-duty, hit shooting**
IAB FILE NUMBERS:	**SH 2397223**
URN#:	**016-01989-0378-055**
DATE/TIME:	**March 05, 2016 / 2309 hours**
LOCATION:	[redacted] **West 120th Street, Los Angeles**

<u>SYNOPSIS</u>

On March 5, 2016, Internal Affairs Bureau (IAB) Lieutenant Roberta C. Granek, Sergeants Jorge Marchena and Brenda Gibson responded to an on-duty, hit shooting at South Los Angeles Station. Deputies Arnulfo Sanchez and Brad Witkosky stopped Suspect Norvell Melvin Fobi for vehicle code violations. During the traffic stop, Suspect Fobi made furtive movements with his hands and placed his vehicle in drive to get away from the deputies. Suspect Fobi did not want to be arrested for having a firearm in his vehicle. Suspect Fobi's vehicle lunged forward at Deputy Witkosky. In fear for his life, Deputy Witkosky shot at Suspect Fobi four times. Suspect Fobi successfully fled the scene, and he was taken to the hospital by his friends. Suspect Fobi suffered nonfatal gunshot wounds and was arrested for Assault with a Deadly Weapon on a Peace Officer, 245(c) PC.

IAB Lieutenant Granek learned the on-duty Watch Commander, Lieutenant Scott Hoglund, took reasonable steps to ensure the involved and witness personnel did not discuss the incident among themselves, or with uninvolved persons, prior to being interviewed by the assigned investigators. Additionally, the involved and witness personnel did not collectively consult with their attorneys or union representatives. IAB Lieutenant Granek also learned the involved and witness personnel were gathered in the company of a supervisor until they provided their statements to the assigned investigators.


Homicide Captain Steven Katz, #[redacted] Investigators Eddie Brown, #[redacted] Antoinette Martinez, #[redacted] Francis Hardiman, #[redacted] Mark Lillienfeld, #[redacted] and Lieutenant Joe Mendoza, #[redacted] arrived and assumed control of the investigation. For further information regarding their investigation refer to the Homicide Investigation Case Book, under URN #016-01989-0378-055 **[Exhibit A]**.

SUMMARY

On March 5, 2016, at approximately 11:09 PM, Deputies Sanchez (driver) and Witkosky (passenger) were assigned to South Los Angeles Station as Unit 31. They were driving southbound on Vermont Avenue, in a marked black and white patrol vehicle, when they observed a gray Hyundai (the Hyundai) with California license plate [redacted] travelling in front of them. The Hyundai had tinted windows in violation of California Vehicle Code section 26708(a)(1). Deputy Sanchez followed the Hyundai, at which time the Hyundai began to straddle the number one and two lanes in violation of California Vehicle Code section 21658(a). The Hyundai turned eastbound on 120th Street, without signaling in violation of California Vehicle Code section 22107. Deputy Sanchez activated his patrol vehicle's overhead lights and initiated a traffic stop in front of [redacted] West 120th Street. He stopped the patrol vehicle along the south curb line of 120th Street just [redacted] of Ainsworth Street and slightly off set to the left rear bumper of the Hyundai.

Deputy Sanchez approached the driver side of the Hyundai, while Deputy Witkosky approached the passenger side. Deputy Witkosky told the driver and sole occupant, Suspect Fobi, to roll down the windows, turn off the engine, and to keep his hands on the steering wheel. Suspect Fobi complied. Deputy Sanchez asked Suspect Fobi for his driver's license, vehicle registration, and proof of insurance. Suspect Fobi provided his driver's license and proof of insurance. Deputy Sanchez returned to the patrol vehicle to conduct a driver's license inquiry, via the patrol vehicle's mobile digital computer (MDC).

Deputy Witkosky remained by the front passenger door and observed Suspect Fobi remove his hands from the steering wheel. Suspect Fobi moved his left hand down to his left thigh near the driver's door panel and his right hand toward the center console. Deputy Witkosky told Suspect Fobi to keep his hands on the steering wheel. Suspect Fobi ignored him and reached his right hand behind the front passenger seat, out of Deputy Witkosky's view. Deputy Witkosky told Suspect Fobi to keep his hands on the steering wheel and stop moving around. Suspect Fobi ignored Deputy Witkosky's orders. He looked back and forth between the center console and behind the front passenger seat. Suspect Fobi turned on the vehicle's engine and revved it. Suspect Fobi ignored multiple orders given by Deputy Witkosky to turn off the engine. Suspect Fobi placed the Hyundai in drive and jerked the steering wheel to the right, causing the vehicle to lung toward Deputy Witkosky. Fearing for his life, Deputy Witkosky fired four rounds at Suspect Fobi from a distance of five to eight feet.

Suspect Fobi drove eastbound on 120th Street and stopped near Hoover Street. Suspect Fobi did not see the deputies pursue him, so he drove to his friend's house and asked them to take him to the hospital.

IAB Note: Hoover Street was east of the traffic stop.

Immediately after the shooting, Deputy Sanchez initiated an emergency radio broadcast of a deputy involved shooting, and went to check on his partner. By the time the deputies returned to the patrol vehicle, they lost view of the Hyundai. Both deputies drove eastbound on 120th Street and attempted to locate the Hyundai without success. They provided Suspect Fobi's name, address, physical description, vehicle description as well as the last seen direction of travel on the radio.

Deputies Marco Magana, #[redacted] and Ludy Orellana, #[redacted] Unit 34, responded and received an update from the station's dispatch center informing them of a gunshot victim, matching the description of Suspect Fobi, at Gardena Memorial Hospital. They responded to the hospital and detained him **[Exhibit A, pages 11 - 12]**.

Deputy Carlos Herrera Jr., #[redacted] Unit 35T1, responded to Gardena Memorial Hospital where he [redacted] Suspect Fobi's friends, Witnesses [redacted] and [redacted] for [redacted] Witnesses [redacted] and [redacted] assisted Suspect Fobi to the hospital **[Exhibit A, page 10]**.

Deputies Gregory Van Hoesen, #[redacted] and Ricardo Cobian Jr., #[redacted] Unit 31D, responded to secure the shooting scene and submitted the first report **[Exhibit A, pages 1 - 3]**.

Deputy Jorge Perez, #[redacted] Unit 35, responded to the location, canvassed the area for potential witnesses and video surveillance. No witnesses or video were found. He initiated a major incident log. Due to heavy rain, one of the bullet casings ejected from Deputy Witkosky's firearm was washed away. Deputy Perez informed Homicide investigators of his observation concerning the status of the missing bullet casing **[Exhibit A, pages 16 - 17]**.

Detective Valerie Franco, #[redacted] and Deputies [redacted] #[redacted] and Michael Jeffrey Jr., #[redacted] Unit 31, responded to the Harbor University of California, Los Angeles (UCLA) Medical Center, where Suspect Fobi was transferred to. While the deputies provided security for Suspect Fobi, he made spontaneous statements to them about his intention to flee the scene in order to discard a firearm, which he carried in the Hyundai on the night of the shooting **[Exhibit A, pages 18, 20 - 21]**.

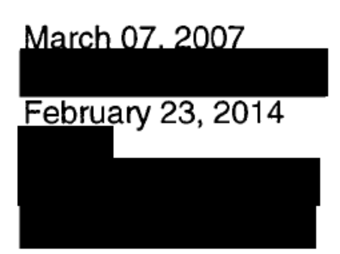
DISTRICT ATTORNEY'S LETTER OF OPINION

The Justice System Integrity Division (JSID) of the Los Angeles County District Attorney's Office reviewed the shooting of Suspect Fobi by Deputy Witkosky. In their letter of opinion **[Exhibit B]**, dated July 11, 2018, Deputy District Attorney Shannon Presby concluded there was insufficient evidence to prove beyond a reasonable doubt that the Deputy Witkosky did not act in lawful self-defense.

INVOLVED EMPLOYEE

Brad Witkosky, Deputy, #[redacted]
South Los Angeles Station
Central Patrol Division

Work History



Date of Employment:	March 07, 2007
Date Completed Patrol Training:	[redacted]
Date Assigned to South Los Angeles Station:	February 23, 2014
Prior Shooting incident(s):	[redacted]
Date trained with Smith & Wesson, M&P:	
Date last qualified prior to the shooting:	

Equipment Worn On Person

Tactical Vest
Smith & Wesson, M&P, 9mm caliber
Sure Fire X300 Ultra Light
Magazines (3)
Oleoresin Capsicum (OC) spray
Handcuffs, 2 Sets
Expandable Baton
Flashlight
Radio
Tourniquet

SUSPECT INFORMATION

Norvell Melvin Fobi
Male, Black, DOB: June 30, 2018, 5'11", 190 pounds
[redacted]
CII #[redacted] MAIN #[redacted] FBI #[redacted]

> **IAB Note: A recent copy of Suspect Fobi's criminal history is included in Exhibit C.**

SUSPECT'S INJURIES

According to Suspect Fobi's Los Angeles County Sheriff's Department Confidential Medical Information, he sustained one gunshot wound to his abdomen, one gunshot wound to his left forearm and one gunshot wound to his left thigh **[Exhibit A, page 32]**. For further information, refer to Suspect Fobi's medical paperwork from UCLA Medical Center and Los Angeles County University of Southern California (USC) Medical Center **[Exhibit D]**.

DEPUTY PERSONNEL INJURIES

No deputy personnel were injured during this incident.

PHYSICAL EVIDENCE

Physical evidence was located and collected by Homicide Investigators Lillienfeld and Hardiman, along with Forensic Identification Supervising Specialist (FIS) Cynthia Fortier, #[redacted] and FIS II Scott Purcell, #[redacted] from the Los Angeles County Sheriff's Department Scientific Services, Latent Print Section **[Exhibit A, page 34]**.

FIS Fortier took possession of Deputy Witkosky's firearm. A round count was conducted by Investigator Brown. The Smith & Wesson, M&P handgun, was found to contain fourteen live rounds. Deputy Witkosky stated he loaded his firearm with seventeen rounds in the magazine and one in the chamber prior to the incident **[Exhibit A, page 31]**.

Three fired 9mm bullet casings, bearing head stamp "WIN 9MM LUGER" were recovered at the scene in close proximity to a silver, four door, Honda Accord (the Honda), bearing California license plate [redacted] and in close proximity to where Deputy Witkosky was standing at the time of the shooting **[Exhibit A, page 57]**. One fired bullet casing was located on the ground, directly under the "B-pillar" of the Honda. The second fired bullet casing was located at the left rear bumper of the Honda. The third fired bullet casing was located one foot away from the right rear bumper of the Honda, in the grass parkway by the curb **[Exhibit A, pages 16, 35]**. For descriptions of the evidence collected and where it was located, see the Homicide Investigation Case Book **[Exhibit A, pages 35 - 37, 55 - 58]**.

IAB Note: **"B-Pillar" is the area where the front door and rear door of a vehicle meet.**

IAB Note: **Deputy Perez, informed Homicide investigators where a fourth bullet casing was present; however, this bullet casing was washed away by the rain. A cone was left in place, depicting the location of the bullet casing, four to five feet west from the Honda's passenger's side rear tire [Exhibit A, page 16, 35].**

INVESTIGATOR'S OBSERVATIONS

Approximately two hours and twenty one minutes transpired from the shooting to IAB investigators' observations.

The scene was described in detail by Homicide Investigators Lillienfeld, Hardiman **[Exhibit A, pages 34 - 37]**, and FIS Fortier **[Exhibit A, page 57]**. The scene description covered the entire incident and shooting location. The descriptions were consistent with the observations of the IAB investigators, who responded to the scene. The scene was also photographed by personnel from Scientific Services Bureau, Latent Section.

FIS Fortier completed an incident scene sketch and legend, an evidence list **[Exhibit E]** and took photographs of the evidence. FIS II Purcell took photographs of Deputies Witkosky and Sanchez. Included in this case is one USB flash drive **[Exhibit F]** containing photographs of Deputies Witkosky and Sanchez, the evidence, the incident scene, Deputy Witkosky's firearm, magazine and ammunition, and the damage seen on the Honda.

WEAPONS USED BY PERSONNEL

Deputy Witkosky fired four rounds of Department approved 9mm ammunition from his Department approved Smith & Wesson, M&P, 9mm, semi-automatic handgun. The firearm was examined and determined to be functional by Firearms Examiner Senior Criminalist Phil Teramoto, #[redacted] of the Scientific Services Firearms Identification Section **[Exhibit A, pages 53 - 54]**.

WEAPONS USED BY SUSPECT

The weapon used by the suspect was a gray, four door, Hyundai, California license plate [redacted]

PROPERTY DAMAGE

Suspect Fobi stopped his Hyundai adjacent to a parked Honda on 120th Street, [redacted] of Ainsworth Street. The Honda was found to have new collision damage after the deputy involved shooting occurred. There were several lateral, black marks along the driver side of the vehicle at the height of the axle and above. The damage began at the rear wheel well, between the bumper and the driver side rear wheel, and ended by the driver side front fender. The material transferred was of an unknown substance.

No rounds or impact sites were found on the [redacted] or [redacted] corner of Ainsworth Street and 120th Street.

CRIMINAL INVESTIGATORS AND CHARGES FILED

On March 24, 2016, Suspect Fobi was charged with one count of Possession of a Firearm, 29800(a)(1) PC, one count of Resisting, Delaying or Obstructing a Public Officer, Peace Officer or Emergency Medical Technician, 148(a)(1) PC,

one count of Hit and Run Property Damage, 20002(A) VC, and one count of Evading a Peace Officer, 2800.1(A) VC **[Exhibit A, pages 43 - 46]**.

On May 16, 2017, Suspect Fobi was convicted of one count of Evading a Peace Officer, 2800.1(A) VC. Suspect Fobi was sentenced to 240 days in the Los Angeles County jail and three years felony probation **[Exhibit C]**.

LIGHTING AND WEATHER CONDITIONS

The incident occurred during the hours of darkness at approximately 11:09 PM. Ambient lighting was provided by streetlamps and the area was illuminated by the patrol vehicle's headlamps and spotlights. There were also two light fixtures affixed to the [redacted] of [redacted] West 120th Street. The weather was cool and clear.

RADIO TRANSMISSIONS

IAB investigators reviewed Sheriff's Communication Center's (SCC) copy of the radio traffic associated with the incident **[Exhibit G]**. The following is a brief synopsis of those transmissions:

DISPATCH CHANNEL 03/05/16 2309 TO 03/05/16 2346 HOURS

2309 hours-

- Deputy Sanchez requested patch, advised deputy involved shooting at 120th and Ainsworth
- Deputy Sanchez advised all deputies accounted for
- Deputy Sanchez advised the fleeing suspect's vehicle description and last seen direction
- Containment requested
- Deputy Witkosky confirmed the previous information along with no outstanding suspects and the suspect's crime
- Deputy Witkosky updated the suspect's vehicle plate number
- Deputy Witkosky updated their position at 120th and Figueroa
- Deputy Sanchez updated the suspect's name, address, and date of birth
- Sergeant [redacted] (31S) advised he responded Code-3
- SCC requested Airship and Airship confirmed they were down for weather

STATEMENTS

The following narratives are intended only as a synopsis of the interviews. Additional information and precise wording may be obtained by reviewing the digitally audio recorded interviews and verbatim transcriptions.

WITNESS DEPUTY ARNULFO SANCHEZ

On March 6, 2016, Deputy Arnulfo Sanchez was interviewed by Homicide Investigators Brown and Martinez. Also present was Emily Suhr from the law office of Green and Shinee. The interview was transcribed and added to this case **[Exhibit A, pages 27 - 29]**.

On April 9, 2019, Deputy Witkosky was interviewed by IAB Sergeants Connie Delgado and Jeremy Carr. The interview took place at IAB's office and was digitally audio recorded. Deputy Sanchez was represented by Elizabeth Gibbons from the law office of Liz Gibbons. Refer to Deputy Sanchez' IAB transcripts which are contained in this case book.

On March 5, 2016, Deputies Sanchez and Witkosky were assigned to patrol at South Los Angeles Station as Unit 31 on EM shift. As Deputy Sanchez drove southbound on Vermont Avenue in the number two lane, approaching 116th Street, his attention was diverted to loud music coming from a gray or silver Hyundai, in the number one lane. The Hyundai lane straddled between the number one and two lanes. As Deputy Sanchez moved his patrol vehicle directly behind the Hyundai, the driver of the Hyundai made an abrupt left turn, from Vermont Avenue, to eastbound on 120th Street without signaling.

Deputy Witkosky conducted an inquiry of the Hyundai's license plate number via the MDC. Deputy Sanchez initiated a traffic stop by activating the patrol vehicle's red lights. The Hyundai yielded and stopped on the south side of 120th Street, just [redacted] of Ainsworth Avenue, in the number two lane and partially straddling the bicycle lane. Parked to the south and east of the Hyundai next to the curb line was a Honda. Deputy Sanchez stopped the patrol vehicle approximately three to five feet west of the Hyundai and off set it to the north. The head lights of the patrol vehicle were on, and both deputies turned on both spot lights as they conducted the traffic stop **[IAB Transcripts Deputy Sanchez, pages 5, 6, 9 - 11]**.

Deputy Witkosky approached the passenger side of the Hyundai and stood by the rear of the Honda. Deputy Witkosky instructed Suspect Fobi, driver and sole occupant of the vehicle, to roll the windows down and turn off the engine. Suspect Fobi complied. Deputy Sanchez approached the driver side door of the Hyundai and asked Suspect Fobi why he failed to use his turn signal. Suspect Fobi replied he was in a hurry. Deputy Sanchez asked him for his driver's license, proof of insurance, and vehicle registration. Suspect Fobi provided Deputy Sanchez with his driver's license and insurance card. Deputy Sanchez asked him if he was on probation and to whom the Hyundai belonged. Suspect Fobi stated he was not on probation, and the vehicle belonged to him. Suspect Fobi admitted to being arrested for domestic assault a few years prior. His demeanor appeared to be ordinary, and he did not appear to be nervous **[IAB Transcripts Deputy Sanchez, pages 5, 9, 11]**.

Deputy Sanchez returned to the patrol vehicle and conducted an inquiry of the suspect's name via the MDC. As he read the return of the inquiry, which indicated Suspect Fobi was on [redacted] Deputy Sanchez heard one gunshot. Deputy Sanchez looked up, heard three additional gunshots and saw Deputy Witkosky discharge his firearm into the Hyundai. Simultaneously, Deputy Sanchez saw the Hyundai accelerate away. Deputy Sanchez exited the patrol vehicle to broadcast emergent radio traffic. He advised a deputy was involved in a shooting. From his position, Deputy Sanchez thought Deputy Witkosky was injured. He said Deputy Witkosky was "going down, like he was being hit by fire." Once Deputy Witkosky informed Deputy Sanchez he was not injured, both deputies returned to the patrol vehicle. Deputy Sanchez lost sight of the Hyundai. Deputy Witkosky updated assisting units of their location and where they last saw the Hyundai. The deputies observed a vehicle driving on 120th Street, toward Figueroa Street. When they reached Figueroa Street, they realized it was not the Hyundai. The deputies did not relocate the Hyundai and remained at the location until responding units arrived. They requested a sergeant and aero unit. A containment and command post were established. Sergeants [redacted] and Sheffield responded to their location. Sergeant Sheffield transported Deputy Sanchez to the station in his patrol vehicle **[IAB Transcripts Deputy Sanchez, pages 5, 14, 16 - 18, 20, 22]**.

IAB Note: **Using a photograph of the location provided by Homicide investigators, Deputy Sanchez placed an "X" where he recalled the Hyundai stopped and a star symbol to approximate where Deputy Witkosky stood at the time of the shooting.**

WITNESS SERGEANT BRADLEY SHEFFIELD

On May 16, 2019, Sergeant Bradley Sheffield (Sergeant Sheffield) was interviewed by IAB Sergeant Connie Delgado. Refer to Sergeant Sheffield's IAB transcripts, which are contained in this case book.

On March 5, 2016, Sergeant Sheffield was working as a field sergeant, assigned to unit 30S. While conducting a use of force investigation in the Lennox area, he heard a transmission, via his radio, of a deputy-involved shooting that occurred near 120th Street, east of Vermont Avenue. Sergeant Sheffield responded to the location and arrived within minutes. Upon his arrival, Sergeant Sheffield saw a patrol vehicle parked on 120th Street, facing east. He also saw Sergeant [redacted] standing with Deputies Witkosky and Sanchez. Although a public safety statement was provided, Sergeant Sheffield could not recall who provided it, nor could he recall if it was provided specifically to him or Sergeant [redacted]

While Sergeant [redacted] remained at the scene and established a command post, Sergeant Sheffield transported Deputies Witkosky and Sanchez to South Los Angeles Station. He ensured they did not discuss the incident with each

other, or anyone else. Once they arrived at South Los Angeles Station, Sergeant Sheffield, and Deputies Witkosky and Sanchez, remained in the watch sergeant's office until Sergeant Sheffield was relieved of his duties. Sergeant Sheffield could not recall whether he was relieved by the watch commander or homicide investigators.

WITNESS SERGEANT [redacted]

On May 16, 2019, Sergeant [redacted] (Sergeant [redacted] was interviewed by IAB Sergeant Connie Delgado. Refer to Sergeant [redacted] IAB transcripts, which are contained in this case book.

On March 5, 2016, Sergeant [redacted] was working as a field sergeant, assigned to unit [redacted] While conducting a use of force investigation in the Lennox area, he heard an emergent radio transmission, indicating a deputy-involved shooting occurred near 120th Street and Ainsworth Avenue. As Sergeant [redacted] drove toward the location, he received an update, advising the location was at 120th Street and Figueroa Street. Sergeant [redacted] arrived at 120th Street and Figueroa Street within approximately ten minutes. Upon his arrival, Sergeant [redacted] saw Deputies Witkosky and Sanchez standing outside their patrol vehicle. The patrol vehicle was facing east on 120th Street, just west of Figueroa Street.

After ensuring Deputies Witkosky and Sanchez were not injured, Sergeant [redacted] obtained a public safety statement from Deputy Witkosky. Sergeant [redacted] recalled Deputy Witkosky said he fired his duty weapon at the suspect three or four times. Deputy Witkosky believed all the rounds he fired were inside the suspect's vehicle and that the suspect might have been struck by the gunfire. Deputy Witkosky did not believe any bystanders could have been struck by the gunfire.

Sergeant [redacted] ensured the scene was preserved for the pending investigation. He also directed deputy personnel to canvass for any witnesses or possible injured bystanders.

Deputies Witkosky and Sanchez were transported to South Los Angeles Station by Sergeant Sheffield. Sergeant [redacted] reminded them not to speak to anyone about the incident.

During the course of establishing a command post for the incident, the weather changed, and it began to rain. Sergeant [redacted] was informed that due to the rain, it was possible an expended shell casing had been washed away. He did not remember how he obtained the information. Sergeant [redacted] provided the information to homicide investigators.

WITNESS [redacted]

On March 7, 2016, Witness [redacted] was interviewed by Homicide Investigators Lillienfeld and Hardiman. The interview was transcribed and included with this case. Following is a summary of that interview.

Homicide investigators contacted Witness [redacted] via telephone at 2:45 PM. Witness [redacted] stated she owned the [redacted]. Witness [redacted] stated her [redacted] (Witness [redacted], parked the [redacted] in front of [redacted] West 120th Street, on March 5, 2016 at approximately 7:30 PM. Witness [redacted] noticed new damage to the rear bumper of the [redacted] The paint on the bumper was peeling a "little bit," but now it peeled off "a lot." Homicide investigators asked Witness [redacted] to inspect the [redacted] **[Homicide Transcripts I Witness [redacted] pages 2 - 5]**.

On March 8, 2016, at approximately 10:55 AM, Homicide investigators met Witness [redacted] the registered owner of the vehicle, at her residence. Witness [redacted] stated she had not moved the [redacted] since the night of the incident. Witness [redacted] had inspected the [redacted] and noticed new damage that was not there prior to the shooting. Witness [redacted] recently purchased new tires, and the driver side rear tire now had a fresh dent. There were also fresh scrape marks on the rear quarter panel, along the driver side of the [redacted] **[Homicide Transcripts II Witness [redacted] pages 6 - 7, 14, 17 - 18]**.

Witness [redacted] stated Witness [redacted] her [redacted] saw the shooting from her bedroom. She believed Witness [redacted] observed a deputy shoot at someone, but did not see who the deputy was shooting at. Witness [redacted] bedroom is located on the [redacted] floor of their [redacted] **Homicide Transcripts Witness [redacted] II, pages 7 - 8, Exhibit F]**.

WITNESS [redacted]

On March 18, 2016, Witness [redacted] was interviewed by Homicide Investigators Lillienfeld and Hardiman. The interview was transcribed and included with this case. Following is a summary of that interview.

Witness [redacted] stated that on March 5, 2016, at approximately 11:09 PM, she was in her bed which is located next to her bedroom window. She heard hard braking and it sounded like a "scratch" when vehicles went over a "bump." Witness [redacted] was used to this sound because the intersection of Ainsworth Avenue and 120th Street had a large dip that caused vehicles to brake hard as they entered it. Witness [redacted] heard a gunshot and looked out her bedroom window. She saw a male deputy face and shoot in an easterly direction, approximately three more times. She described a distinctive pause between the first gunshot and three additional gunshots in rapid succession. Witness [redacted] could not see who or what the deputy was shooting at. The furthest east Witness

[redacted] could see from her bedroom window was the drainage channel that runs perpendicular to 120th Street and parallel to the west curb line of Ainsworth Avenue.

Witness [redacted] saw the deputy stand a few feet west and a few feet north of the driver side rear bumper of the Honda. After the shooting, the deputy ran to and entered the passenger side of a patrol vehicle, which was stopped in the number one lane of 120th Street, facing east. The patrol vehicle sped off eastbound on 120th Street, and a short time later, numerous patrol vehicles arrived.

IAB Note: Homicide investigators inspected the patrol vehicle driven by Deputy Sanchez and found no damage.

Homicide investigators and Witness [redacted] examined the [redacted] Witness [redacted] pointed out new damage to the [redacted] not present prior to the shooting incident. There were several lateral, black marks along the driver side. The marks were the height of the axle and above it. The marks began at the rear wheel well, between the rear bumper and the driver side rear wheel. The marks continued along the body of the [redacted] and ended at the driver side corner of the front bumper **[Homicide Transcripts Witness [redacted] pages 4 - 12]**.

IAB investigators left Witness [redacted] numerous voicemails, conducted a door knock, and sent a certified letter to Witness [redacted] address, in an attempt to schedule an interview. As of April 24, 2019, she has not contacted IAB investigators.

WITNESS [redacted]

On March 06, 2016, Witness [redacted] was interviewed by Homicide Investigators Brown and Martinez. The interview was transcribed and included with this case. Following is a summary of that interview.

Witness [redacted] was out with friends on 141st Street and Budlong Avenue. He said he and his friends are from the gang called "[redacted]" Witness [redacted] nickname is "[redacted]" Witness [redacted] friend, "[redacted]" received a phone call from someone who told him to meet "them" at the hospital. "[redacted]" and Witness [redacted] went to the hospital, where Witness [redacted] observed [redacted] (Witness [redacted] assist Suspect Fobi exit the Hyundai. "[redacted] did not enter the hospital, but drove off. Witness [redacted] identified Suspect Fobi as "Baby Fear." Witness [redacted] assisted Suspect Fobi in taking off his sweater, and they entered the hospital. Suspect Fobi stated he had been shot, but did not provide further information. Suspect Fobi appeared nervous and continuously moaned. After Witness [redacted] saw Suspect Fobi's gunshot wounds, he did not want to ask any questions. At the hospital, deputy personnel [redacted] Witnesses [redacted] and [redacted] for [redacted] When Witness [redacted] exited the hospital with deputy personnel, he did not see the Hyundai, where it had been

previously parked, and did not know who took it **[Homicide Transcripts Witness [redacted] pages 1 - 11]**.

> **IAB Note:** **IAB investigators contacted Homicide detectives who stated Gardena Memorial Hospital's surveillance recording did not clearly show when Suspect Fobi arrived to the hospital nor when the Hyundai was driven away from the hospital.**

WITNESS [redacted]

On March 06, 2016, Witness [redacted] was interviewed by Homicide Investigators Brown and Martinez. The interview was transcribed and included with this case. Following is a summary of that interview.

Witness [redacted] was at a friend's house in the area of El Segundo Boulevard and Vermont Avenue, when he observed Suspect Fobi pull up in the Hyundai by himself. Suspect Fobi told Witness [redacted] to take him to the hospital because he had been shot. Suspect Fobi did not provide Witness [redacted] with further information. Witness [redacted] did not ask any questions because he wanted Suspect Fobi to remain calm. Witness [redacted] placed Suspect Fobi on the passenger seat of the Hyundai and drove him to Gardena Memorial Hospital. While at the hospital, deputy personnel [redacted] Witness [redacted] for having an [redacted] **[Homicide Transcripts Witness [redacted] pages 1 - 11]**.

SUSPECT NORVELL MELVIN FOBI

On March 22, 2016, at 12:34 AM, Suspect Norvell Melvin Fobi was interviewed by Homicide Investigators Brown and Martinez. The interview was transcribed and included with this case. Following is a summary of that interview.

Suspect Fobi stated he drove alone in his [redacted] vehicle, the Hyundai, southbound on Vermont Avenue. Suspect Fobi drove above the speed limit, at approximately 45 miles per hour. He said he is from the gang "Payback Crips" and went by the monikers of "Baby Mac" and "Little Shadow." Suspect Fobi was on his way to meet his "homeboys" and hang out at a party in the city of Compton. Suspect Fobi had a firearm underneath the back seat of the Hyundai for protection.

> **IAB Note:** **The suspect was on [redacted] at the time of the incident and [redacted]**

Suspect Fobi observed a marked patrol vehicle behind him activating it's emergency lights and siren. He yielded on 120th Street, just [redacted] of Vermont Avenue near the curb, and rolled down the windows. A deputy approached his

driver's side door and instructed him to turn the Hyundai off. He complied and provided his identification and vehicle registration. The same deputy said he was going to conduct an inquiry and then returned to the patrol vehicle.

He saw another deputy standing by the passenger side rear view mirror of the Hyundai. The second deputy asked him a question, which he did not understand. He told the second deputy, "I'm fixing to start up my car. I'm fixing to drive off," while he kept his hands on the steering wheel. The second deputy ordered him not to start the Hyundai. After Suspect Fobi moved his right hand down to the ignition and started the Hyundai, he moved his right hand down further to the gear shift knob at the center console to place the Hyundai in drive. When the second deputy shot him, he accelerated, drove toward Hoover Street, and stopped. He looked in his rear view mirror and did not see the deputies follow him. He did not see any emergency lights nor did he hear any siren from the patrol vehicle.

Prior to the traffic stop he was paranoid because he did not want to be arrested for having a firearm. He planned on fleeing from the deputies and throwing the firearm from the Hyundai. He had no intention to shoot the deputies. He denied he attempted to hit the deputy with the Hyundai, and did not side swipe any parked vehicles. After the shooting, he drove to Witness [redacted] house, which he had planned to attend a party with. He asked his friend to drive him to the hospital where the deputies eventually arrived and arrested him.

He admitted telling Deputy [redacted] as well as a female deputy (Detective Franco), he had a firearm in the Hyundai before and during the traffic stop. He did not want to go to prison for having possession of a firearm **[Homicide Transcripts Suspect Fobi, pages 5 - 18, 33]**.

> **IAB Note:** **The firearm Suspect Fobi admitted to having possession of at the time of the traffic stop was never recovered. The Hyundai was also never found/processed by Homicide investigators.**

IAB investigators contacted Suspect Fobi, who initially agreed to speak with and sign a Medical Information Release Authorization form. IAB investigators emailed the form to the email address [redacted] Suspect Fobi provided. IAB investigators called him numerous times and were unable to leave a voicemail. IAB investigators sent a certified letter to his address, in an attempt to schedule an interview and obtain his approval for the release of his medical information. As of April 24, 2019, Suspect Fobi has not contacted IAB investigators.

INVOLVED EMPLOYEE DEPUTY BRAD WITKOSKY

On March 6, 2016, Deputy Brad Witkosky was interviewed by Homicide Investigators Brown and Martinez. Also present was Emily Suhr from the law office of Green and Shinee. The interview was transcribed and submitted with this case **[Exhibit A, pages 30 - 32]**.

On April 9, 2019, Deputy Witkosky was interviewed by IAB Sergeants Connie Delgado and Jeremy Carr. The interview took place at IAB's office and it was digitally audio recorded. Deputy Witkosky was represented by Elizabeth Gibbons from the law office of Liz Gibbons. Refer to Deputy Witkosky's IAB transcripts which are within this case book.

On March 5, 2016, Deputies Witkosky and Sanchez were assigned to patrol at South Los Angeles Station as Unit 31 on EM shift. The two deputies observed a Hyundai travelling southbound on Vermont Avenue, approximately one quarter of a mile north of 120th Street. The Hyundai lane straddled from the number one lane to the number two lane of Vermont Avenue. The driver of the Hyundai, later identified as Suspect Fobi, failed to use the turn signal when he made a left turn from Vermont Avenue to eastbound on 120th Street. Deputy Sanchez announced he was going to conduct a traffic stop of the Hyundai, as Deputy Witkosky conducted an inquiry of the Hyundai's license plate number via the MDC. The deputies received a return from SCC prior to the Hyundai yielding, but Deputy Witkosky did not have an opportunity to review the information. Suspect Fobi stopped the Hyundai in front of [redacted] 120th Street, in the number two lane, partially blocking the bicycle lane. The Hyundai's hood was north of and parallel to the middle portion of a parked Honda. The Honda was parked alongside the south curb line of 120th Street, just [redacted] of Ainsworth Avenue. Deputy Sanchez stopped the patrol vehicle to the rear of the Hyundai, approximately seven feet behind and offset to the north. The headlights and spotlights of the patrol vehicle illuminated the Hyundai **[IAB Transcripts Deputy Witkosky, pages 8 - 11, 17]**.

Deputy Witkosky described the traffic stop was conducted in a high crime area. He knew multiple gang feudings had occurred, and various crimes had been committed, including shootings and murders. He was informed during shift briefings, regarding shootings being committed by occupants of a silver vehicle, similar to the Hyundai. As Deputy Witkosky exited the patrol vehicle, his body accidentally brushed against the passenger side spot light and pushed it down. He unholstered his firearm and turned on the attached flashlight. Deputy Witkosky kept his firearm at a ready low position in his right hand. He illuminated the Hyundai with a flashlight held in his left hand, as he approached the vehicle. He stood between the Hyundai and the Honda. The vehicles were approximately three feet apart from each other. Deputy Witkosky stood facing the passenger side front door of the Hyundai, and his back was to the rear driver side portion of the Honda. Deputy Sanchez exited the patrol vehicle and approached the driver

side door of the Hyundai **[IAB Transcripts Deputy Witkosky, pages 12 - 15, 17]**.

Deputy Witkosky instructed Suspect Fobi to roll the Hyundai's windows down, and to turn his music and vehicle off. Suspect Fobi rolled down the front and rear passenger windows approximately four to five inches, and he turned off the vehicle's engine. Deputy Witkosky instructed Suspect Fobi to place his hands on the steering wheel, and he complied. Deputy Witkosky noticed Suspect Fobi was the sole occupant of the vehicle. Deputy Sanchez requested Suspect Fobi to produce his driver's license, vehicle registration, and proof of insurance. Suspect Fobi provided his driver's license, at which time, Deputy Sanchez returned to the patrol vehicle to conduct a driver's license inquiry **[IAB Transcripts Deputy Witkosky, pages 8, 16 - 15]**.

Deputy Witkosky attempted to gain rapport with Suspect Fobi by asking him where he lived. Suspect Fobi said he lived in the area of [redacted] Suddenly Suspect Fobi took his hands off of the steering wheel and started mumbling to himself. Suspect Fobi reached the front and rear passenger side floorboards with his right hand. Simultaneously, Suspect Fobi reached between his left thigh and the driver side door with his left hand. Deputy Witkosky pointed his firearm at Suspect Fobi. He gave Suspect Fobi multiple orders to stop moving around and stop reaching for anything. Suspect Fobi ignored Deputy Witkosky's commands. He looked around, looked into the Hyundai's mirrors as if to gauge Deputy Sanchez' position, and keep Deputy Witkosky in his peripheral vision. Deputy Witkosky gave Suspect Fobi eight to ten verbal commands to place his hands on the steering wheel. Deputy Witkosky recalled telling him, "This isn't worth it. Don't do anything you shouldn't." Deputy Witkosky did not order Suspect Fobi out of the Hyundai due to his lack of cooperation and large stature. Deputy Witkosky thought the situation was beyond his asking for Suspect Fobi's cooperation, and he thought Suspect Fobi was "going for a gun." Suspect Fobi ignored Deputy Witkosky's commands and turned the engine on with his right hand. Suspect Fobi revved the engine and moved his right hand back to the front and rear portion of of the front passenger side floorboards. Deputy Witkosky could not see Suspect Fobi's hands or the floorboard area. Deputy Witkosky did not have an opportunity to communicate with Deputy Sanchez, due to his focus on Suspect Fobi's actions and the rapidly evolving situation. Deputy Witkosky observed Suspect Fobi's left arm was across his chest in a cross draw position, but he could not see Suspect Fobi's hand. He saw Suspect Fobi "jerk" the steering wheel in his direction with the right hand **[IAB Transcripts Deputy Witkosky, pages 9, 16, 18 - 19, 30]**.

The Hyundai "lunged" in the direction of Deputy Witkosky. Deputy Witkosky thought the suspect was arming himself, or the suspect was going to pin him between the vehicles and then shoot and/or kill him. Deputy Witkosky recalled some recent gang shootings in the area during the past four to five days, that involved a silver vehicle. Deputy Witkosky could not retreat from the assault due

to the Honda parked directly behind him. Believing his life was in danger, Deputy Witkosky fired one round from his firearm. Deputy Witkosky realized the threat was still present and within seconds, he fired three additional rounds. Deputy Witkosky's aim was at Suspect Fobi's chest and abdomen **[IAB Transcripts Deputy Witkosky, pages 23 - 24]**.

Suspect Fobi slumped over the steering wheel prior to driving away eastbound in the number one lane of 120th Street. The Hyundai did not strike Deputy Witkosky. Deputy Sanchez, who was approximately 10 to 15 feet west of Deputy Witkosky's position and away from potential crossfire, exited the patrol vehicle and initiated emergent radio traffic. Deputy Sanchez checked Deputy Witkosky's welfare to ensure he was not injured. There was no pedestrian or vehicle traffic in the immediate area. Both deputies returned to the patrol vehicle and realized they lost sight of the Hyundai. Deputy Sanchez drove approximately 25 to 30 miles per hour eastbound on 120th Street, in an attempt to locate the Hyundai. Deputy Sanchez stopped the patrol vehicle on 120th Street, just west of Figueroa Street, awaiting for additional units to arrive **[IAB Transcripts Deputy Witkosky, pages 24 - 25]**.

Units responded to Deputies Witkosky's and Sanchez' location within three minutes. A containment and command post were set up, and an aero unit was requested. Deputy Witkosky was transported to South Los Angeles Station by Sergeant Sheffield in a marked patrol vehicle. Deputy Witkosky waited for his representative, Emily Suhr, and Homicide investigators **[IAB Transcripts Deputy Witkosky, pages 24 - 27]**.

IAB Note: **During the Homicide interview, Deputy Witkosky stated he was in pursuit of a 245 suspect. "245" is an LASD radio code for assault with a deadly weapon. In his IAB interview, Deputy Witkosky clarified he was never in pursuit of the Hyundai. On the day of the incident, Deputy Witkosky understood the definition of a vehicle pursuit and did not engage in a vehicle pursuit. Deputy Witkosky mistakenly stated he did due to exhaustion [Homicide Transcripts Deputy Witkosky, page 2 - 4, IAB Transcripts Deputy Witkosky, page 2 - 5].**

IAB Note: **Using a photograph of the location provided by Homicide investigators, Deputy Witkosky placed an "X" where he recalled the Hyundai stopped and a star symbol indicating his position at the time of the shooting [Exhibit H].**

ADDITIONAL INFORMATION

On April 16, 2019, I contacted Physician Robert Bei, from Gardena Memorial Hospital, regarding his assessment of Suspect Fobi. Physician Bei confirmed Suspect Fobi sustained one gunshot wound to his abdomen, one gunshot wound to his left forearm, and one gunshot wound to his left thigh. Physician Bei said Suspect Fobi was under the influence of "Ecstasy," and Suspect Fobi admitted to taking three Ecstasy pills the same day of the incident.

IAB Note: According to "medicinenet.com," Ecstasy is a recreational and party drug. It acts as both a stimulant and halucinogen. Esctasy impairs the thought process.